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THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – SECOND SESSION

COMMITTEE ON EDUCATION

REPORT ON THE CONSIDERATION OF THE STATUTE LAW MISCELLANEOUS  
AMENDMENT BILL, 2022 (NATIONAL ASSEMBLY BILL NO. 60)

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February, 2023

|                                                                                                                             |                                                |
|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| <br>THE NATIONAL ASSEMBLY<br>PAPERS LAID |                                                |
| DATE: 11 APR 2023                                                                                                           | DAY: TUESDAY                                   |
| TABLED BY:                                                                                                                  | HON GEORGE MURUGARA<br>MP, CHAIRPERSON<br>SWAC |
| CLERK-AT THE-TABLE:                                                                                                         | ESTHER NGINYO                                  |

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**Annexure 3:** Written submissions received

## **CHAIRPERSON'S FOREWORD**

The Statute Law (Miscellaneous Amendment) Bill, 2022 (National Assembly Bill No. 60) was published on 22<sup>nd</sup> November, 2022. The Bill was read a first time on 8<sup>th</sup> December, 2022 and thereafter committed to respective Departmental Committees for consideration and facilitation of public participation pursuant to Standing Order 127. The Departmental Committee on Education and Research considered amendments to the Higher Education Loans Board Act 1995, (No. 3 of 1995) and the Teachers Service Commission Act, 2012 (No. 20 of 2012).

The Bill seeks to amend the Higher Education Loans Board Act 1995, (No. 3 of 1995) in order to harmonize the provisions with the functions of the Director of Public Prosecution under Article 157 of the Constitution, who has the state prosecutorial powers in criminal matters. In addition, the Bill also seeks to amend the Teachers Service Commission Act, 2012 (No. 20 of 2012) in order to ensure that TSC presents its annual report to the President and the National Assembly within six months after the expiry of the year to which it relates.

In order to fulfill the requirements of Article 118 of the Constitution, the Clerk of the National Assembly placed an advertisement in the print media on 16<sup>th</sup> December, 2022 requesting for submission of memoranda from the general public on the proposed amendments.

The Committee received memoranda from the following stakeholders: -

1. The Higher Education Loans Board
2. The Teachers Service Commission;
3. Director of Public Prosecution
4. Ministry of Education

The Committee considered all the submissions before making its recommendations.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during the consideration of the Bill. Further, I wish to express my appreciation to the Honorable Members of the Committee, Committee Secretariat and all those who responded to the National Assembly's advertisement inviting the public to present their views on the Bill.

On behalf of the Committee and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honor to present to this House the report of the Committee on its consideration of the Statute Law (Miscellaneous Amendment) Bill, 2022.

**HON. JULIUS MELLY, MP**  
**CHAIRPERSON**  
**COMMITTEE ON EDUCATION**

## **1.0 PREFACE**

### **1.1 Introduction**

This is the report of the Departmental Committee on Education on the consideration of the Statute Law (Miscellaneous Amendments) Bill, 2022. The report is as a result of written submissions by the Ministry of Education, Teachers Service Commission, Higher Education Loans Board and Director of Public Prosecutions.

Importantly, the report contains the observations and the recommendations of the Committee in regards to the proposed amendments.

### **1.2 Mandate of the Committee**

The Departmental Committee on Education is established under Standing Order 216 and is mandated to consider all matters relating to the education sector. Thus, in terms of analyzing and reviewing all legislation referred to the Committee, it considers legislation in regards to the following: -

- (a) Ministry of Education comprising the following State Departments:
  - (i) State Department for Basic Education
  - (ii) State Department for Technical & Vocational Education and Training (TVET)
  - (iii) State Department for Higher Education & Research
- (b) The Teachers Service Commission.

### 1.3 Committee Membership

The Committee comprises of the following Members: -

1. Hon. Julius Kibiwott Melly, MP  
**Chairperson**  
MP for Tinderet Constituency  
**UDA**
2. Hon. Moses Malulu Injendi, MP  
**Vice Chairperson**  
MP for Malava Constituency  
**ANC**
3. Hon. Dr. Christine Oduor  
**Ombaka, MP**  
MP for Siaya County  
**ODM**
4. Hon. Eve Akinyi Obara, MP  
MP for Kabondo Kasipul Constituency  
**ODM**
5. Hon. Jerusha Mongina  
**Momanyi, MP**  
MP for Nyamira County  
**JP**
6. Hon. Abdul Ebrahim Haro, MP  
MP for Mandera South Constituency  
**UDA**
7. Hon. Anne Muratha, MP  
MP for Kiambu County  
**UDA**
8. Hon. Clive Gisairo, MP  
MP for Kitutu Masaba, Constituency  
**ODM**
9. Hon. Dick Oyugi Maungu, MP  
MP for Luanda Constituency  
**DAP-K**
10. Hon Julius Taitumu M'Anaiba, MP  
MP for Igembe North Constituency  
**UDA**
11. Hon. Nabii Nabwera Daraja, MP  
MP for Lugari Constituency  
**ODM**
12. Hon. Peter Ochieng Orero, MP  
MP for Kibra Constituency  
**ODM**
13. Hon. (Prof.) Phylis Jepkemoi Bartoo  
MP for Moiben Constituency  
**UDA**
14. Hon. Rebecca Noonaishi Tonkei, MP  
MP for Narok County  
**UDA**
15. Hon. Timothy Toroitich, MP  
MP for Marakwet West Constituency,  
**IND**

#### **1.4 Committee Secretariat**

The Committee secretariat comprise of: -

##### **Mr. George Gazemba**

Ag. Deputy Clerk, Directorate of Departmental Committees/Head of Department  
**Head of Secretariat**

**Ms. Grace Wahu**  
Clerk Assistant III

**Mr. Daniel Psirmoi**  
Media Relations Officer

**Ms. Cynthia Matara**  
Clerk Assistant III

**Mr. Nimrod Ochieng**  
Audio Officer

**Ms. Brigitta Mati**  
Legal Counsel I

**Mr. Paul Kashane**  
Sergeant at Arms

**Mr. Eric Kanyi**  
Fiscal Analyst II

**Ms. Mary Kamande**  
Public Communications Officer

**Ms. Winnie Kulei**  
Research Officer III



## **2.0 CONSIDERATION OF THE STATUTE LAW (MISCELLANEOUS AMENDMENT) BILL, 2022**

### **2.1 Background Information**

The Statute Law (Miscellaneous Amendment) Bill, 2022 seeks to among other Statutes, amend the Higher Education Loans Board Act 1995, (No. 3 of 1995) and the Teachers Service Commission Act, 2012 (No. 20 of 2012)

### **2.2 Summary of the Bill**

The Bill seeks to amend the Higher Education Loans Board Act 1995, (No. 3 of 1995) in order to harmonize the provisions with the functions of the Director of Public Prosecution under Article 157 of the Constitution, who has the state prosecutorial powers in criminal matters.

The Bill also seeks to amend the Teachers Service Commission Act, 2012 (No. 20 of 2012) in order to ensure that the Teachers Service Commission presents its annual report to the President and the National Assembly within six months after the expiry of the year to which it relates.

### **2.3 Proposed amendment to Section 24 of the Higher Education Loans Board Act 1995, (No. 3 of 1995)**

Delete the expression “Attorney-General” and substitute therefor the expression “Director of Public Prosecutions”.

### **2.4 Proposed amendment to Section 41 of the Teachers Service Commission Act, 2012 (No. 20 of 2012)**

Insert the following new subsection immediately after subsection (1)—  
(1A) The Commission shall submit the annual report in subsection (2) to the President and the National Assembly within six months after the end of the year to which it relates.

## **3.0 PUBLIC PARTICIPATION IN THE REVIEW OF THE BILL**

Article 118 (1) (b) of the Constitution of Kenya provides as follows: -

*“Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees”*

Standing Order 127(3) provides as follows-

*“The Departmental Committee to which a Bill is committed shall facilitate public participation on the Bill through an appropriate mechanism, including-inviting submission of memoranda; holding public hearings; consulting relevant stakeholders in a sector; and*

*consulting experts on technical subject. (3A) The Departmental Committee shall take into account the views and recommendations of the public in its report to the House.’’*

In line with the Constitution and Standing Orders, the National Assembly placed advertisements in the local daily newspapers on 16<sup>th</sup> December, 2022 and invited the public to submit memoranda on the proposed amendments in the Bill as per annexure 2 of the report.

The Committee received written submissions on the proposed amendments to the Higher Education Loans Board Act 1995, (No. 3 of 1995) and the Teachers Service Commission Act, 2012 (No. 20 of 2012). The following submitted their memoranda to the Committee:

- a. The Teachers Service Commission
- b. The Higher Education Loans Board
- c. Director of Public Prosecutions
- d. The Ministry of Education

#### **The Teachers Service Commission**

In their written submissions, the Teachers Service Commission stated that they had no objection to the proposed amendments as the provision gives effect to Article 254 (1) of the Constitution.

#### **The Higher Education Loans Board**

In their written submissions, the Higher Education Loans Board stated that they had no objection to the proposed amendments.

### **4.0 COMMITTEE OBSERVATIONS**

The Committee while considering the Bill made the following key observations:

- a) Pursuant to Article 157 of the Constitution, the Director of Public Prosecutions is required to exercise State powers of prosecution and may institute criminal proceedings against any person before any court;
- b) Pursuant to Article 156 of the Constitution, the Attorney General is the principal legal adviser to the Government and is to represent the national government in court or any other legal proceedings to which the national government is a party, other than criminal proceedings.
- c) Pursuant to Article 254(1) of the Constitution, after the end of each financial year, each commission, and each holder of an independent office is required to submit a report to the President and to Parliament as soon as practicable.

- d) The proposed amendment to the Teachers Service Commission Act, 2012 which provides as follows-

“Insert the following new subsection immediately after subsection (1)—

(1A) The Commission shall submit the annual report in subsection (2) to the President and the National Assembly within six months after the end of the year to which it relates.”,

Ought to be further amended in the following manner in order to realign the proposed amendment with the Constitution.

That the Bill be amended in the proposed amendments to the Teachers Service Commission Act, 2012 (No. 20 of 2012), by deleting the word “National Assembly” and substituting therefor the word “Parliament”.

## **5.0 COMMITTEE RECOMMENDATIONS**

Having considered the Bill and the views by different stakeholders, the Committee recommends that

- (a) the Bill be passed without amendments to the proposed amendments to the Higher Education Loans Board Act, 1995; and
- (b) the Bill be amended in the proposed amendments to the Teachers Service Commission Act, 2012 (No. 20 of 2012), by deleting the word “National Assembly” and substituting therefor the word “Parliament”.

SIGNED



DATE

2/3/2023

**HON. JULIUS MELLY, MP**  
**CHAIRPERSON, DEPARTMENTAL COMMITTEE ON EDUCATION & RESEARCH**

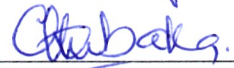
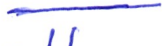
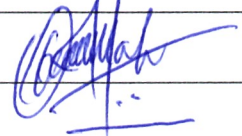
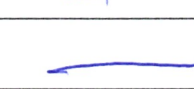
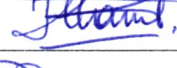
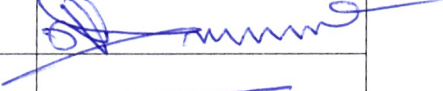
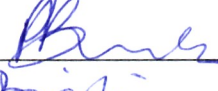
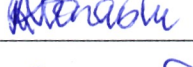
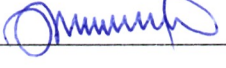




REPUBLIC OF KENYA  
THIRTEENTH PARLIAMENT

DIRECTORATE OF DEPARTMENTAL COMMITTEES  
DEPARTMENTAL COMMITTEE ON EDUCATION

Adoption of the Report on the Consideration of the Statute Law (Miscellaneous  
Amendments) Bill, 2022

|     | NAME                                             |                                                                                       |
|-----|--------------------------------------------------|---------------------------------------------------------------------------------------|
| 1.  | Hon. Julius Kibiwott Melly, MP - Chairperson     |    |
| 2.  | Hon. Moses Malulu Injendi, MP - Vice-Chairperson |    |
| 3.  | Hon. Dr. Christine Ombaka Oduor, MP              |   |
| 4.  | Hon. Eve Akinyi Obara, MBS, MP                   |  |
| 5.  | Hon. Jerusha Mongina Momanyi, MP                 |  |
| 6.  | Hon. Abdul Ebrahim Haro, MP                      |  |
| 7.  | Hon. Anne Wanjiku Muratha, MP                    |  |
| 8.  | Hon. Clive Ombane Gisairo, MP                    |  |
| 9.  | Hon. Dick Oyugi Maungu, MP                       |  |
| 10. | Hon. Julius Taitumu M'Anaiba, MP                 |  |
| 11. | Hon. Nabii Nabwera Daraja, MP                    |  |
| 12. | Hon. Peter Ochieng Orero, MP                     |  |
| 13. | Hon. (Prof.) Phylis Jepkemoi Bartoo, MP          |  |
| 14. | Hon. Rebecca Noonaishi Tonkei, MP                |  |
| 15. | Hon. Timothy Kipchumba Toroitich, MP             |  |

**MINUTES OF THE 15<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION HELD ON THURSDAY, 2<sup>ND</sup> MARCH 2023, AT SERENA HOTEL, AT 10.00 AM**

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**PRESENT**

1. Hon. Julius Kibiwott Melly, MP – **Chairperson**
2. Hon. Moses Malulu Injendi, MP – **Vice-Chairperson**
3. Hon. (Dr.) Christine Oduor Ombaka, MP
4. Hon. Eve Obara, MBS, MP
5. Hon. Abdul Ebrahim Haro, MP
6. Hon. Julius Taitumu M'Anaiba, MP
7. Hon. Nabii Nabwera Daraja, MP
8. Hon. (Prof.), Phylis Jepkemoi Bartoo, MP
9. Hon. Rebecca Noonaishi Tonkei, MP
10. Hon. Timothy Kipchumba Toroitich, MP

**ABSENT WITH APOLOGY**

1. Hon. Jerusha Momanyi, MP
2. Hon. Anne Wanjiku Muratha, MP
3. Hon. Clive Ombane Gisairo, MP
4. Hon. Dick Maungu Oyugi, MP
5. Hon. Peter Ochieng Orero, MP

**COMMITTEE SECRETARIAT**

- |                           |                                                |
|---------------------------|------------------------------------------------|
| 1. Mr. George Gazemba     | – Ag. Deputy Director, Departmental Committees |
| 2. Ms. Grace Wahu         | – Clerk Assistant                              |
| 3. Mr. Eric Kanyi         | – Fiscal Analyst                               |
| 4. Ms. Winnie Kulei       | – Research Officer                             |
| 5. Mr. Paul Kashana Shane | – Serjeant-At-Arms                             |
| 6. Mr. Nimrod Ochieng     | – Audio Officer                                |
| 7. Mr. Daniel Psirmoi     | – Media Officer                                |

**MIN. NO. EDUC/2023/068: PRELIMINARIES**

The meeting was called to order at 10.15 am by the Chairperson. A word of prayer was said by Hon. Moses Malulu Injendi, MP.

**MIN. NO. EDUC/2023/069: CONFIRMATION OF MINUTES**

Confirmation of minutes was deferred to the next sitting.

**MIN. NO. EDUC/2023/070: ADOPTION OF THE REPORT ON THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL, 2022**



## **COMMITTEE OBSERVATIONS**

The Committee while considering the Bill made the following key observations:

- a) Pursuant to Article 157 of the Constitution, the Director of Public Prosecutions is required to exercise State powers of prosecution and may institute criminal proceedings against any person before any court;
- b) Pursuant to Article 156 of the Constitution, the Attorney General is the principal legal adviser to the Government and is to represent the national government in court or any other legal proceedings to which the national government is a party, other than criminal proceedings.
- c) Pursuant to Article 254(1) of the Constitution, after the end of each financial year, each commission, and each holder of an independent office is required to submit a report to the President and to Parliament as soon as practicable.
- d) The proposed amendment to the Teachers Service Commission Act, 2012 which provides as follows-  
“Insert the following new subsection immediately after subsection (1)—  
(1A) The Commission shall submit the annual report in subsection (2) to the President and the National Assembly within six months after the end of the year to which it relates.”,

Ought to be further amended in the following manner to realign the proposed amendment with the Constitution.

That the Bill be amended in the proposed amendments to the Teachers Service Commission Act, 2012 (No. 20 of 2012), by deleting the word “National Assembly” and substituting therefor the word “Parliament”.

## **COMMITTEE RECOMMENDATIONS**

The Committee considered the Bill and the views by different stakeholders and recommended that:

-

- (a) the Bill be passed without amendments to the proposed amendments to the Higher Education Loans Board Act, 1995; and
- (b) the Bill be amended in the proposed amendments to the Teachers Service Commission Act, 2012 (No. 20 of 2012), by deleting the word “National Assembly” and substituting therefor the word “Parliament”.

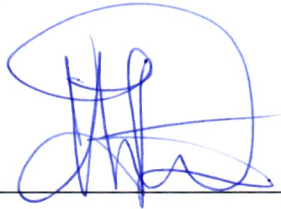
**MIN. NO. EDUC/2023/071: ANY OTHER BUSINESS**

There was no other business.

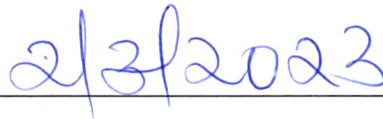
**MIN. NO. EDUC/2023/072: ADJOURNMENT**

There being no other business, the meeting was adjourned at 12.30 pm. The next meeting will be held on notice.

SIGN



DATE



**HON. JULIUS KIBIWOTT MELLY, MP**

**CHAIRPERSON,  
COMMITTEE ON EDUCATION AND RESEARCH**







**REPUBLIC OF KENYA**  
**THIRTEENTH PARLIAMENT (FIRST SESSION) 2022**  
**THE NATIONAL ASSEMBLY**

**In the Matter of Consideration by the National Assembly of the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 60 of 2022)**

**PUBLIC PARTICIPATION/SUBMISSION OF MEMORANDA**

Article 118(1) (b) of the Constitution of Kenya and National Assembly Standing Order 127(3) require Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees.

The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 60 of 2022) is sponsored by the Leader of Majority Party, Hon. Kimani Ichung'uwah, CBS, MP is an Omnibus Bill which seeks to amend various statutes in keeping with the practice of making minor amendments which do not merit the publication of separate Bills.

The Statute Law (Miscellaneous Amendments) Bill, 2022 contains proposed amendments to the following statutes:-

1. The Appellate Jurisdiction Act (Cap 9)
  2. The Vexatious Proceedings Act (Cap 41)
  3. The Extradition (Commonwealth Countries) Act (Cap 77)
  4. The National Flag, Emblems and Names Act (Cap 99)
  5. The Official Secrets Act (Cap 187)
  6. The Geneva Conventions Act (Cap 198)
  7. The Pharmacy and Poisons Act (Cap 244)
  8. The Mental Health Act (Cap 248)
  9. The Land Consolidation Act (Cap 283)
  10. The Land Adjudication Act (Cap 284)
  11. The Marine Insurance Act (Cap 390)
  12. The Local Manufacturers (Export Compensation) Act (Cap 482)
  13. The Capital Markets Act (Cap 485A)
  14. The Architects and Quantity Surveyors Act (Cap 525)
  15. The Prevention of Fraud (Investments) Act, 1977 (No. 1 of 1977)
  16. The Higher Education Loans Board Act, 1995 (No. 3 of 1995)
  17. The Retirement Benefits Act, 1997 (No. 3 of 1997)
  18. The Co-operatives Societies Act, 1997 (No. 12 of 1997)
  19. The Central Depositories Act, 2000 (No. 4 of 2000)
  20. The Sexual Offences Act, 2006 (No. 3 of 2006)
  21. The National Museums and Heritage Act, 2006 (No. 6 of 2006)
  22. The Labour Institutions Act, 2007 (No. 12 of 2007)
  23. The Accountants Act, 2008 (No. 15 of 2008)
  24. The International Crimes Act, 2008 (No. 16 of 2008)
  25. The Biosafety Act, 2009 (No. 2 of 2009)
  26. The Counter-Trafficking in Persons Act, 2010 (No. 8 of 2010)
  27. The Tourism Act, 2011 (No. 28 of 2011)
  28. The Vetting of Judges and Magistrates Act, 2011 (No. 2 of 2011)
- The Bill seeks to amend these Acts in order to harmonize their provisions with the functions of the Director of Public Prosecutions under Article 157 of the Constitution.
29. The Judicial Service Commission Act, 2011 (No. 1 of 2011)
  30. The Independent Electoral and Boundaries Commission Act, 2011 (No. 9 of 2011)
  31. The Salaries and Remuneration Commission Act, 2011 (No. 10 of 2011)
  32. The Kenya National Commission on Human Rights Act, 2011 (No. 14 of 2011)
  33. The National Gender and Equality Commission Act, 2011 (No. 15 of 2011)
  34. The Commission on Revenue Allocation Act, 2011 (No. 16 of 2011)
  35. The Ethics and Anti-Corruption Commission Act, 2011 (No. 18 of 2011)
  36. The National Police Service Commission Act, 2011 (No. 30 of 2011)
  37. The National Land Commission Act, 2012 (No. 5 of 2012)
  38. The Teachers Service Commission Act, 2012 (No. 20 of 2012)
  39. The Controller of Budget Act, 2016 (No. 26 of 2016)
  40. The Public Service Commission Act, 2017 (No. 17 of 2017)
- The Bill seeks to amend these Acts to require the presentation of Annual Reports by the commissions/offices within six (6) months after the end of the year to which they relate.

**The Excise Duty Act, 2015 (No. 23 of 2015)**

The Bill seeks to amend the First Schedule to the Excise Duty Act to correct mistakes in a tariff list.

**The Judicature Act (Cap 8)**

The Bill proposes to amend the Act to increase the number of Judges of the Court of Appeal from Thirty to Seventy.

**43. The Penal Code (Cap 63)**

The Bill seeks to amend Section 246 of the Act by deleting expressions therein which may be perceived to be discriminatory towards persons with mental disabilities.

**44. The Criminal Procedure Code (Cap 75)**

The Bill seeks to amend the statute to harmonize terms therein with the provisions of the Constitution of Kenya, 2010 and the National Police Service Act, 2011. It also seeks to allow the Director of Public Prosecutions to delegate powers to specified officers and to delete offences provided for in the Sexual Offences Act, 2006.

**45. The Evidence Act (Cap 80)**

The Bill seeks to amend the Act to expand the definition of "photograph" by allowing the presentation and admissibility of digital photographs in line with the current technological advancements. It also seeks to delete expressions which may be perceived to be discriminatory to persons with mental disabilities.

**46. The Public Holidays Act (Cap 110)**

The Bill proposes to amend the Public Holidays Act to provide that 10<sup>th</sup> October be *Huduma Day* and 26<sup>th</sup> December *Utamaduni Day*.

**47. The Copyright Act 2001 (No. 12 of 2001)**

The Bill seeks to amend the Act to provide for the equitable remuneration of performers and producers of sound recordings and expand the responsibilities of collective management organisations towards authors and performers. It also seeks to bring collective management organisations under regulation by the Board in order to enhance their efficiency.

**48. The Anti-Corruption and Economic Crimes Act, 2003 (No. 3 of 2003)**

The Bill seeks to amend the Act to harmonize its provisions with the functions of the Director of Public Prosecutions under Article 157 of the Constitution. It also proposes to amend the Act to allow the Commission to seek a court order for a state officer under investigation or charged with corruption or economic crimes to be barred from accessing office or exercising powers of that office where the public officer is likely to interfere with investigations.

**49. The Merchant Shipping Act, 2009 (No. 4 of 2009)**

The Bill seeks to amend the Act by deleting section 16 which restricts ship owners from providing crewing agencies, pilotage, clearing and forwarding, port facility operator and shipping agencies among other services in the maritime industry. This is after the High Court in September, 2020 declared the section unconstitutional and to allow for the revival of the Kenya National Shipping Line.

**50. The Prevention of Organized Crimes Act, 2010 (No. 6 of 2010)**

The Bill seeks to amend the Act to harmonize its provisions with the functions of the Director of Public Prosecutions under Article 157 of the Constitution. It also seeks to enhance the penalty for organised crimes and to extend the period in which an order obtained in relation to the tracing of property shall lapse.

**51. Leadership and Integrity Act, 2012 (No. 19 of 2012)**

The Bill seeks to amend the Act to allow the Ethics and Anti-Corruption Commission to verify the suitability of candidates seeking public service appointments and make recommendations.

**52. The National Transport and Safety Authority Act, 2012 (No. 33 of 2012)**

The Bill seeks to amend the Act to provide for the appointment of the Director-General, for a renewable period of five years instead of three.

**53. The Kenya Law Reform Commission Act, 2013 (No. 35 of 2013)**

The Bill seeks to amend the Act to clarify the provisions on the attendance of ex-officio members at the Commission meetings.

**54. The Water Act, 2016 (No. 43 of 2016)**

The Bill seeks to amend the Act to include the Attorney-General as a member of the Water Resources Management Board and to require the appointments of Chief Executive Officers under the Act to be in line with guidelines issued by the Salaries and Remuneration Commission. The Bill further seeks to allow the designation of representatives to sit in Boards in place of designated officer holders and the introduction of new members to the Water Works Development Agencies, the Water Services Regulatory Board and the Board of Trustees.

**55. The Bribery Act, 2016 (No. 47 of 2016)**

The Bill seeks to amend the Act to include both private and public entities in the scope and application of the Act and to make other minor amendments.

**56. The Scrap Metal Act, 2015 (No. 1 of 2015)**

The Bill seeks to amend the Act to provide for the issuance of a special license for dealing in copper, aluminium, and their alloys. The Bill further proposes to restrict the disposal of scrap metal from critical infrastructure to two national entities namely; Numerical Machining Complex and the Kenya Shipyard Limited and the regulation of imports in addition to exports as well as the enhancement of several penalties in the Act in order to deter vandalism and other prohibited acts.

**57. The Energy Act, 2019 (No. 1 of 2019)**

The Bill proposes to amend the Act to give effect to the recommendations of the "Presidential Task Force on the Review of Power Purchase Agreements". The recommendations include addressing the overlapping functions between the Energy Petroleum Regulatory Authority and the Ministry responsible for Energy matters.

**58. The Housing Act (Cap 17)**

The Bill seeks to amend the Act by placing definitions of terminologies in proper alphabetical sequence.

The Statute Law (Miscellaneous Amendments) Bill, 2022 was published on 22<sup>nd</sup> November 2022 and read a First Time in the House on 8<sup>th</sup> December, 2022 and pursuant to Standing Order 127(1) committed to respective Departmental Committees of the National Assembly for consideration as set out in the schedule hereunder:-

| SCHEDULE                                                                           |                                                                       |
|------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| i. The Vexatious Proceedings Act (Cap 41)                                          | Departmental Committee on Justice and Legal Affairs                   |
| ii. The Extradition (Commonwealth Countries) Act (Cap 77)                          |                                                                       |
| iii. The Official Secrets Act (Cap 187)                                            |                                                                       |
| iv. The Sexual Offences Act, 2006 (No. 3 of 2006)                                  |                                                                       |
| v. The International Crimes Act, 2008 (No. 16 of 2008)                             |                                                                       |
| vi. The Judicial Service Commission Act, 2011 (No. 1 of 2011)                      |                                                                       |
| vii. The Independent Electoral and Boundaries Commission Act, 2011 (No. 9 of 2011) |                                                                       |
| viii. The Kenya National Commission on Human Rights Act, 2011 (No. 14 of 2011)     |                                                                       |
| ix. The Ethics and Anti-Corruption Commission Act, 2011 (No. 18 of 2011)           |                                                                       |
| x. The Penal Code (Cap 63)                                                         |                                                                       |
| xi. The Criminal Procedure Code (Cap 75)                                           | Departmental Committee on Finance and National Planning               |
| xii. The Evidence Act (Cap 80)                                                     |                                                                       |
| xiii. The Anti-Corruption and Economic Crimes Act, 2003 (No. 3 of 2003)            |                                                                       |
| xiv. Leadership and Integrity Act, 2012 (No. 19 of 2012)                           |                                                                       |
| xv. The Kenya Law Reform Commission Act, 2013 (No. 35 of 2013)                     |                                                                       |
| xvi. The Bribery Act, 2016 (No. 47 of 2016)                                        |                                                                       |
| xvii. The Judicature Act (Cap 8)                                                   |                                                                       |
| xviii. The Appellate Jurisdiction Act (Cap 9)                                      |                                                                       |
| i. The Capital Markets Act (Cap 485A)                                              | Departmental Committee on Transport and Infrastructure                |
| ii. The Retirement Benefits Act, 1997 (No. 3 of 1997)                              |                                                                       |
| iii. The Central Depositories Act, 2000 (No. 4 of 2000)                            |                                                                       |
| iv. The Accountants Act, 2008 (No. 15 of 2008)                                     |                                                                       |
| v. The Commission on Revenue Allocation Act, 2011 (No. 16 of 2011)                 |                                                                       |
| vi. The Salaries and Remuneration Commission Act, 2011 (No. 10 of 2011)            |                                                                       |
| vii. The Controller of Budget Act, 2016 (No. 26 of 2016)                           |                                                                       |
| viii. The Excise Duty Act, 2015 (No. 23 of 2015)                                   | Departmental Committee on Education                                   |
| i. The Marine Insurance Act (Cap 390)                                              |                                                                       |
| ii. The Kenya Roads Board Act, 1999 (No. 7 of 1999)                                | Departmental Committee on Lands                                       |
| iii. The National Transport and Safety Authority Act, 2012 (No. 33 of 2012)        |                                                                       |
| iv. The Merchant Shipping Act, 2009 (No. 4 of 2009)                                | Departmental Committee on Trade, Industry and Cooperatives            |
| i. The Higher Education Loans Board Act, 1995 (No. 3 of 1995)                      |                                                                       |
| ii. The Teachers Service Commission Act, 2012 (No. 20 of 2012)                     |                                                                       |
| i. The Land Consolidation Act (Cap 283)                                            | Departmental Committee on Health                                      |
| ii. The Land Adjudication Act (Cap 284)                                            |                                                                       |
| iii. The National Land Commission Act, 2012 (No. 5 of 2012)                        | Departmental Committee on Labour                                      |
| i. The Co-operatives Societies Act, 1997 (No. 12 of 1997)                          |                                                                       |
| ii. The Scrap Metal Act, 2015 (No. 1 of 2015)                                      | Departmental Committee on Housing and Public Works                    |
| iii. The Local Manufacturers (Export Compensation) Act (Cap 482)                   |                                                                       |
| i. The Pharmacy and Poisons Act (Cap 244)                                          | Departmental Committee on Sports and Culture                          |
| ii. The Mental Health Act (Cap 248)                                                |                                                                       |
| i. The Labour Institutions Act, 2007 (No. 12 of 2007)                              | Departmental Committee on Tourism and Wildlife                        |
| ii. The Public Service Commission Act, 2017 (No. 17 of 2017)                       |                                                                       |
| i. The Architects and Quantity Surveyors Act (Cap 525)                             | Departmental Committee on Defence, Intelligence and Foreign Relations |
| ii. The Housing Act (Cap 17)                                                       |                                                                       |
| i. The National Museums and Heritage Act, 2006 (No. 6 of 2006)                     | Departmental Committee on Energy                                      |
| ii. The Copyright Act 2001 (No. 12 of 2001)                                        |                                                                       |
| The Tourism Act, 2011 (No. 28 of 2011)                                             | Departmental Committee on Blue Economy and Irrigation                 |
| The National Gender and Equality Commission Act, 2011 (No. 15 of 2011)             |                                                                       |
| The Geneva Conventions Act (Cap 198)                                               | Departmental Committee on Agriculture and Livestock                   |
| The Energy Act, 2019 (No. 1 of 2019)                                               |                                                                       |
| The Water Act, 2016 (No. 43 of 2016)                                               | Departmental Committee on Agriculture and Livestock                   |
| The Biosafety Act, 2009 (No. 2 of 2009)                                            |                                                                       |

IN COMPLIANCE with Article 118(1) (b) of the Constitution and Standing Order 127(3), the Departmental Committees hereby invite the public and interested stakeholders to submit memoranda on the Bill.

Copies of the Bill are available at the National Assembly Table Office, Main Parliament Building or on [www.parliament.go.ke/the-national-assembly/house-business/bills](http://www.parliament.go.ke/the-national-assembly/house-business/bills).

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; or hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to [ena@parliament.go.ke](mailto:ena@parliament.go.ke) to be received on or before Friday, 6<sup>th</sup> January, 2023 by 5.00 pm.

SAMUEL NJOROGE  
 CLERK OF THE NATIONAL ASSEMBLY

16<sup>th</sup> December, 2022



99

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# TEACHERS SERVICE COMMISSION

Telephone: Nairobi 2892000  
Email: [ceo@tsc.go.ke](mailto:ceo@tsc.go.ke)  
Web: [www.tsc.go.ke](http://www.tsc.go.ke)

When replying please quote  
Ref. N<sup>o</sup>:  
CS/TSC/76/VOL.V



TSC HOUSE  
KILIMANJARO ROAD  
UPPER HILL  
PRIVATE BAG- 00100  
NAIROBI, KENYA

31<sup>st</sup> January, 2023

The Clerk of the National Assembly  
Clerk's Chambers  
Parliament Buildings  
P.O Box 41842-00100  
**NAIROBI**

**Att: Serah Kioko, MBS**

## MEETING WITH THE DEPARTMENTAL COMMITTEE ON EDUCATION: PROPOSED AMENDMENT TO THE TSC ACT, 2012 THROUGH THE STATUTE LAW (MISCELLANEOUS) AMENDMENT BILL 2022

The above captioned and your letter Ref: NA/DDC/EDU/2022/(16) dated 13<sup>th</sup> January, 2023 contents of which I have duly noted refers.

We have carefully perused the Statute Law (Miscellaneous) Amendment Bill 2022 and noted that the only amendment proposed on the TSC Act No. 20 of 2012 reads as follows:

*"The Commission shall submit the Annual Report in subsection 2 to the president and the National Assembly within six months after the end of the year to which it relates"*

On behalf of the Commission, I wish to confirm that we have **no objection** with regard to that specific amendment as it is intended to give effect to the provisions of Article 254 (1) of the Constitution.

Taking into account the nature of amendment and in view of our response herein we request that our attendance for the meeting scheduled for 16<sup>th</sup> February, 2023 be dispensed with.

*[Signature]*

**DR NANCY NJERI MACHARIA, CBS**  
**SECRETARY/CHIEF EXECUTIVE**

DIRECTOR  
RECEIVE

07 FEB 2023

NATIONAL ASSEMBLY  
RECEIVED

31 JAN 2023

CLERK'S OFFICE  
Box 41842, NAIROBI

*Dept. Committee.*  
*George Garenba*  
*pls facilitate*  
*2/2/23*









# HIGHER EDUCATION LOANS BOARD

Tel: 0711052000  
E-mail: [contactcentre@helb.co.ke](mailto:contactcentre@helb.co.ke)  
Website: [www.helb.co.ke](http://www.helb.co.ke)

Anniversary Towers  
University Way  
P.O Box 69489-00400  
Nairobi, Kenya

7<sup>th</sup> February 2023

**HELB/43/001 VOL.7/87**

**Dr. Beatrice Muganda Inyangala**  
Principal Secretary  
State Department of University Education and Research  
Ministry of Education  
P.O. Box 30040-00100  
**NAIROBI**

Dear

**MEETING WITH THE DEPARTMENTAL COMMITTEE ON EDUCATION ON PROPOSED  
HEL B ACT AMENDMENT CONTAINED IN THE STATUTE LAW (MISCELLANEOUS  
AMENDMENTS) BILL (NATIONAL ASSEMBLY BILLS NO. 60 OF 2022**

We are in receipt of a letter from the Office of the Attorney General. The letter is addressed to your Office and HELB was copied in.

The purpose of the was to request for the Ministry's policy guidance and propriety of the amendment. Basically, the proposed amendment seeks to have Section 24 of the HELB Act amended. The Section as indicated below deals with delegated prosecutorial powers.

***24. Powers of inspector to prosecute***

*An inspector appointed under section 22, or any other person authorized by the Board in writing, may, subject to the general or special directions of the Attorney-General, prosecute in any court for all offences under this Act and for that purpose have all the powers conferred on a public prosecutor by the Criminal Procedure Code (Cap. 75).*

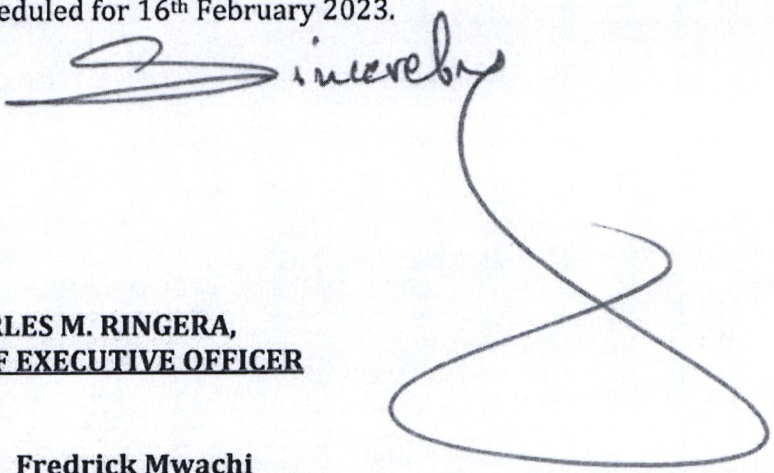
The objective of the amendment is to align Section 24 of the HELB Act with the provisions of **Article 157 of the Constitution**. The Article establishes the Office of Director of Public Prosecutions. Among other provision, the Office of Director of Prosecutions is mandated by the Constitution to institute and undertake criminal proceedings against any person before any court. Before the Constitution of Kenya 2010 was promulgated, the power to institute criminal proceedings was vested in the Office of the Attorney General.



In light of the foregoing, HELB has **NO OBJECTION** to have Section 24 of the HELB Act amended by deleting the expression "*Attorney General*" and substitute with the expression "*Director of Public Prosecutions*."

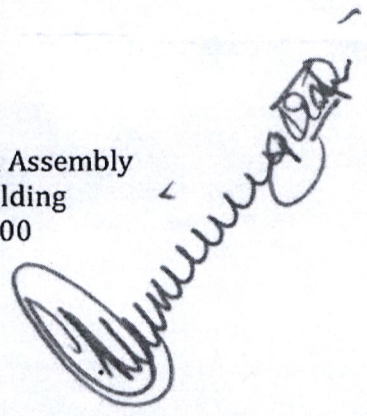
The public participation with the Departmental Parliamentary Committee on Education is scheduled for 16<sup>th</sup> February 2023.

Yours

  
**CHARLES M. RINGERA,**  
**CHIEF EXECUTIVE OFFICER**

**CC: Fredrick Mwachi**  
Deputy Chief Parliamentary Counsel  
Office of the Attorney General  
Sheria House  
Harambee Avenue  
**NAIROBI**

**Serah Kioko, MBS**  
Clerk of the National Assembly  
Main Parliament Building  
P.O. BOX 41842-00100  
**NAIROBI**







REPUBLIC OF KENYA  
MINISTRY OF EDUCATION  
Office of the Cabinet Secretary

DD on 11/02/23  
8  
15/02

Telephone: Nairobi (020) 318581  
Email: [cabinetsecretarymoe@gmail.com](mailto:cabinetsecretarymoe@gmail.com)  
Website: [www.education.go.ke](http://www.education.go.ke)

Jogoo House "B"  
Harambee Avenue  
P. O. BOX 30040 - 00100  
NAIROBI - Kenya

Ref: MoE/CON/10/4

Date: 14<sup>th</sup> February, 2023

**Mr. Samuel Njoroge**  
Clerk of the National Assembly  
Parliament Buildings  
Parliament Road  
**NAIROBI**

George Gazemba  
plz facilitate  
up with  
15/2/23

Dear ~~Hon~~ Samuel,

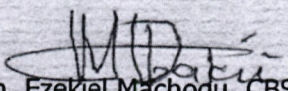
**RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON EDUCATION TO DISCUSS PROPOSED AMENDMENTS TO THE HIGHER EDUCATION LOANS BOARD ACT, 1995, (NO. 3 OF 1995) IN THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL, NO. 60 OF 2022)**

This has reference to the captioned matter and to your letter dated 13<sup>th</sup> January, 2023, under Ref. No. NA/DDC/EDUC/2022/ (17). The said letter invited the Principal Secretary, State Department for University Education and Research to a meeting on Thursday, 16<sup>th</sup> February, 2023, to discuss proposed amendments to the Higher Education Loans Board Act.

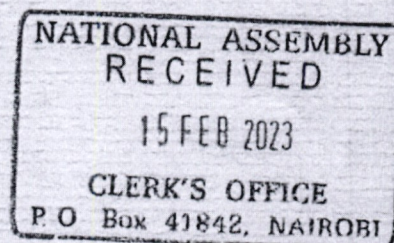
In this regard, please find the Ministry's comments on the proposed amendments in the brief enclosed herewith, duly signed by the Cabinet Secretary. Dr. Beatrice Inyangala, Principal Secretary, State Department for University Education and Research, will attend the meeting.

I remain grateful for your continued support.

Yours sincerely,

  
Hon. Ezekiel Machogu, CBS  
**CABINET SECRETARY**

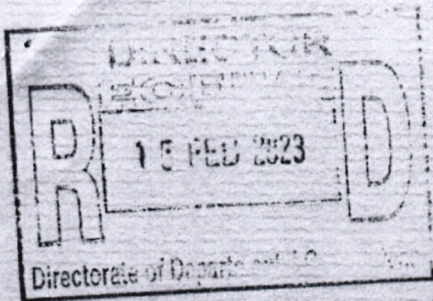
**Copy to: Dr. Beatrice Inyangala, PhD**  
Principal Secretary  
State Department for University Education and Research  
Ministry of Education  
**NAIROBI**











REPUBLIC OF KENYA  
MINISTRY OF EDUCATION  
Office of the Cabinet Secretary

Dant 1001  
13/02

Telephone: Nairobi (020) 318581  
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Harambee Avenue  
P. O. BOX 30040 - 00100  
NAIROBI - Kenya

Creage Graenka  
pls facilitate  
15/2/23

Ref: MoE/CON/10/4

Date: 14<sup>th</sup> February, 2023

**PROPOSED AMENDMENTS TO THE HIGHER EDUCATION LOANS BOARD ACT,  
1995 (NO. 3 OF 1995) IN THE STATUTE LAW (MISCELLANEOUS AMENDMENTS)  
BILL (NATIONAL ASSEMBLY BILL, NO 60 OF 2022)**

Honourable Chair and Honourable Members,

The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill, No. 60 of 2022) seeks, *inter alia*, to amend Section 24 of the Higher Education Loans Board, 1995 (Act), by deleting the expression 'Attorney-General' and substituting the same with the expression 'Director of Public Prosecutions.'

Section 24 of the Act provides that an inspector appointed under Section 22 of the Act or any person authorised by the Board may, subject to the general or special directions of the Attorney-General, prosecute in any court, for all offences under the Act.

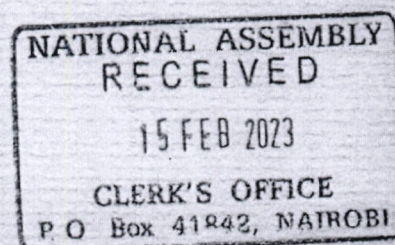
On the other hand, Article 157 of the Constitution vests prosecutorial powers in the Director of Public Prosecutions. Consequently, Section 24 of the Act conflicts with the powers of the Director of Public Prosecutions insofar as it authorizes the Attorney-General to issue directions for the prosecution of offences under the Act. The Ministry notes that Section 24 of the Act was based on the provisions of the repealed Constitution, under which the Attorney-General was responsible for public prosecutions.

The proposed amendment is therefore necessary to align the Act with the provisions of Article 157 of the Constitution.

Honourable Chair and Honourable Members,

In view of the foregoing, the Ministry is in agreement with the proposed amendment to Section 24 of the Act, to align the same to the Constitution.

  
Hon. Ezekiel Machogu, CBS  
**CABINET SECRETARY**









**OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS**

**COMMENTS ON**

**THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL, 2022**

**9<sup>TH</sup> JANUARY, 2023**

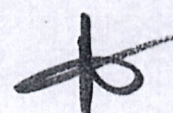
Page 1 of 48







| S/NO. | LEGISLATION                              | PROVISION<br>TO BE<br>AMENDED | PROPOSED<br>AMENDMENT                                                                                                                                | COMMENTS/<br>PROPOSALS                                                                                                                                                                                                                             |
|-------|------------------------------------------|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.    | Judicature Act<br>(Cap 8)                | 7 (1)                         | Delete the word "thirty"<br>and substitute therefor<br>the word "seventy".                                                                           | <p>This proposal will enhance the access to justice in the Court of Appeal and reduce case backlog.</p> <p>The ODPP will benefit from speedy resolution of criminal Appeals pending at the Court of Appeal.</p> <p>The proposal is acceptable.</p> |
| 2.    | Appellate<br>Jurisdiction Act<br>(Cap 9) | 59 (7)                        | Delete the expression<br>"Attorney General" and<br>substitute therefor the<br>expression "Director of<br>Public Prosecutions"                        | <p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>                                                       |
|       |                                          | 73                            | Delete the expression<br>"Attorney General"<br>wherever it appears and<br>substitute therefor the<br>expression "Director of<br>Public Prosecutions" | <p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the</p>                                                                     |

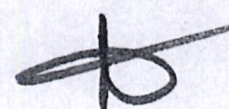




| S/NO. | LEGISLATION                        | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                                                        | COMMENTS/ PROPOSALS                                                                                                                                                                                                                                                                                                                        |
|-------|------------------------------------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       |                                    |                         |                                                                                                                                                           | Constitution.                                                                                                                                                                                                                                                                                                                              |
| 3.    | Vexatious Proceedings Act (Cap 41) | 4                       | Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".                                        | <p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>                                                                                                                                               |
| 4.    | Penal Code (Cap 63)                | 146                     | Delete the word "idiot" or "imbeciles" wherever it appears and substitute therefor the words "persons with mental disability".                            | <p>Mental disability is still a dated term. The preferred word is "persons differently abled mentally".</p> <p>The emphasis would be on the person's humanity while recognizing and describing their situation without being insensitive. We would propose that the words to be used be <b>"persons with different mental ability"</b></p> |
| 5.    | Criminal Procedure Code (Cap 75)   | 2                       | Delete the word "State Counsel" appearing in the definition of the term "public prosecutor" and substitute therefor the expression "Prosecution Counsel". | <p>The words "State Counsel", "Police Officer" and "Police Station" are being streamlined with the existing legislations.</p> <p>This proposal aligns the definitions with the relevant provisions of the</p>                                                                                                                              |



| S/NO. | LEGISLATION | PROVISION<br>TO BE<br>AMENDED | PROPOSED<br>AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                  | COMMENTS/<br>PROPOSALS                                                                                                                                                                                                                                                                                                                 |
|-------|-------------|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       |             |                               | <p>Delete the Definition of "police officer" and substitute therefor the following new definition –</p> <p>"police officer" has the meaning assigned to it under the National Police Service Act, 2012</p> <p>Delete the definition of "police station" and substitute therefor the following new definition –</p> <p>"police station" has the meaning assigned to it under the National Police Service Act, 2012.</p> | Office of the Director of Public Prosecutions Act, 2013 ( <i>hereinafter</i> the ODPP Act) and the National Police Service Act, 2011.                                                                                                                                                                                                  |
|       |             | 83                            | <p>Delete and substitute therefor the following new section -</p> <p>(1) The Director of Public Prosecutions may order in writing that all or any of the powers vested in him by sections 81 and 82, and by Part VIII, be vested for the time being in the Secretary of Prosecution Services, the Deputy Director of</p>                                                                                               | <p>The provision seeks to bring the Criminal Procedure Code in tandem with the Office of Director Public Prosecutions Act.</p> <p>However, it leaves out a cadre of officers "Principal Prosecution Counsel" which is also a cadre of prosecution counsel under the ODPP Act.</p> <p>We propose that this cadre be factored in the</p> |





| S/NO. | LEGISLATION | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | COMMENTS/ PROPOSALS                                                                                                                         |
|-------|-------------|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
|       |             |                         | Public Prosecutions, the Senior Assistant Deputy Director of Public Prosecutions, Assistant Deputy Director of Public Prosecution, Senior Principal Prosecution Counsel, Senior Prosecution Counsel, and Prosecution Counsel, and the exercise of those powers by the specified officers shall then operate as if they had been exercised by the Director of Public Prosecutions.<br><br>(2) The Director of Public Prosecutions may in writing revoke an order made by him under this section. | description so that the section is aligned with section 13 (b), (c) and (d) of the ODPP Act.                                                |
|       |             | 90 (3)                  | Delete the words "a Sunday" and substitute therefor the words "any other day of the week including Sunday".                                                                                                                                                                                                                                                                                                                                                                                     | This is acceptable                                                                                                                          |
|       |             | 123 (1)                 | Delete the words "a person accused of murder, treason, robbery with violence, attempted robbery with violence, and any related offences".                                                                                                                                                                                                                                                                                                                                                       | This amendment is acceptable as it brings the legislation into conformity with the Constitution of Kenya, existing precedents and practice. |
|       |             | 131 (2)                 | Delete the word "movable".                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                             |



| S/NO. | LEGISLATION | PROVISION<br>TO BE<br>AMENDED | PROPOSED<br>AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                | COMMENTS/<br>PROPOSALS                                                                                                                                                         |
|-------|-------------|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       |             | 137                           | Delete the expression<br>"Attorney General" and<br>substitute therefor the<br>expression "Director of<br>Public Prosecutions".                                                                                                                                                                                                                                                                       |                                                                                                                                                                                |
|       |             | 184                           | Delete<br><br>What is deleted is:-<br><br><i>"Charge of rape</i><br><br><i>Where a person is<br/>charged with rape and<br/>the court is of the opinion<br/>that he is not guilty of<br/>that offence but that he is<br/>guilty of an offence under<br/>one of the sections of the<br/>Sexual Offences Act, he<br/>may be convicted of that<br/>offence although he was<br/>not charged with it."</i> | Although no equivalent<br>provision has been<br>proposed, the deletion<br>gives more prominence to<br>the Sexual Offences Act,<br>No. 3 of 2006 to deal with<br>such offences. |
|       |             | 186                           | Delete<br><br>What is deleted is:-<br><br><i>"Charge of defilement of<br/>a girl under 14 years of</i>                                                                                                                                                                                                                                                                                               | Although no equivalent<br>provision has been<br>proposed, the deletion<br>gives more prominence to<br>the Sexual Offences Act,<br>No. 3 of 2006 to deal with<br>such offences  |



| S/NO. | LEGISLATION                                       | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                                                                                                                                                                                                                                 | COMMENTS/ PROPOSALS                                                                                                                                                                             |
|-------|---------------------------------------------------|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       |                                                   |                         | <p>age</p> <p><i>When a person is charged with the defilement of a girl under the age of fourteen years and the court is of the opinion that he is not guilty of that offence but that he is guilty of an offence under the Sexual Offences Act, he may be convicted of that offence although he was not charged with it."</i></p> |                                                                                                                                                                                                 |
| 6.    | Extradition (Commonwealth Countries) Act (Cap 77) | 7, 8, 9, and 10         | Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".                                                                                                                                                                                                                 | <p>This proposal will bring these provisions of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p> |
| 7.    | Evidence Act (Cap 80)                             | 3                       | <p>Insert the following definition in proper alphabetical sequence -</p> <p>"Photograph" means an image created by light falling on a larger sensitive surface either photographic film or an electronic medium and made visible and permanent by chemical treatment or stored</p>                                                 | <p>This is a good proposal as it seeks to bring clarity to the definitions.</p> <p>There have been several contests as to what amounts to a photograph.</p>                                     |



| S/NO. | LEGISLATION                                   | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                                  | COMMENTS/ PROPOSALS                                                                                                                                                                                                                                                                                                                        |
|-------|-----------------------------------------------|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       |                                               |                         | digitally.                                                                                                                          |                                                                                                                                                                                                                                                                                                                                            |
|       |                                               | 78 (1)                  | Insert the words "or an electronic and digital medium" immediately after the word "film",                                           |                                                                                                                                                                                                                                                                                                                                            |
|       |                                               | 125 (2)                 | Delete the words "a mentally disordered person or a lunatic" and substitute therefor the words "a person with a mental disability". | <p>Mental disability is still a dated term. The preferred word is "persons differently abled mentally".</p> <p>The emphasis would be on the person's humanity while recognizing and describing their situation without being insensitive. We would propose that the words to be used be <b>"persons with different mental ability"</b></p> |
| 8.    | National Flag, Emblems and Names Act (Cap 99) | 6                       | Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".                  | <p>This proposal will bring the provisions of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>                                                                                                                                              |
| 9.    | Public Holidays Act (Cap 110)                 | Schedule                | Delete the expression "Utamaduni Day" and substitute therefor the                                                                   | This is acceptable                                                                                                                                                                                                                                                                                                                         |



| S/NO. | LEGISLATION                    | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | COMMENTS/ PROPOSALS                                                                                                                                 |
|-------|--------------------------------|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
|       |                                |                         | expression "Huduma Day".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                     |
| 10.   | Housing Act (Cap 117)          | 2                       | <p>Insert the following definitions in proper alphabetical sequence –</p> <p>“affordable housing” means housing that is adequate, targeted for the population whose income is below the median individual or house income, and whose cost does not exceed more than thirty per cent of household or individual income per month to rent or acquire.</p> <p>“affordable housing development project” means a housing development project targeted to construct and deliver affordable housing and approved by the Cabinet Secretary responsible for matters relating to housing.</p> | This is a good proposal as it seeks to bring clarity to the definitions.                                                                            |
| 11.   | Official Secrets Act (Cap 187) | 10 (1) and 49 (1)       | Delete the expression “Attorney General” and substitute therefor the expression “Director of Public Prosecutions”.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>This proposal will bring these provisions of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable</p> |



| S/NO. | LEGISLATION                        | PROVISION<br>TO BE<br>AMENDED | PROPOSED<br>AMENDMENT                                                                                              | COMMENTS/<br>PROPOSALS                                                                                                                                                                                                                                                    |
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|       |                                    |                               |                                                                                                                    | as it aligns the Act with the Constitution.                                                                                                                                                                                                                               |
| 12.   | Geneva Convention Act (Cap 198)    | 3 (3)                         | Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions". | <p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>                                                                              |
| 13.   | Pharmacy and Poisons Act (Cap 244) | 40 (4)                        | Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions". | <p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>                                                                              |
| 14.   | Mental Health Act (Cap 248)        | 42 (5)                        | Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions". | <p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p> <p>In addition, we propose that the definition of persons with different</p> |



| S/NO. | LEGISLATION                      | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                                          | COMMENTS/ PROPOSALS                                                                                                                                                                          |
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|       |                                  |                         |                                                                                                                                             | mental abilities be included in the definition section.                                                                                                                                      |
| 15.   | Land Consolidation Act (Cap 283) | 14 (6) (b)              | Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".                          | <p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p> |
| 16.   | Land Adjudication Act (Cap 284)  | 33                      | Delete the expression "Attorney General" appearing in the proviso and substitute therefor the expression "Director of Public Prosecutions". | <p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p> |
| 17.   | Marine Insurance Act (Cap 390)   | 91 (3)                  | Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".                          | <p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p> |
| 18.   | Local Manufacturers (Export      | 10 (2)                  | Delete the expression "Attorney General" and substitute therefor the                                                                        | This proposal will bring the provision of the Act into conformity with                                                                                                                       |



| S/NO. | LEGISLATION                                              | PROVISION<br>TO BE<br>AMENDED | PROPOSED<br>AMENDMENT                                                                                                          | COMMENTS/<br>PROPOSALS                                                                                                                                                                                  |
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|       | Compensation)<br>Act (Cap 482)                           |                               | expression "Director of<br>Public Prosecutions".                                                                               | Article 157 of the<br>Constitution.<br><br>The proposal is acceptable<br>as it aligns the Act with the<br>Constitution.                                                                                 |
| 19.   | Capital Markets<br>Act (Cap 485A)                        | 38                            | Delete the expression<br>"Attorney General" and<br>substitute therefor the<br>expression "Director of<br>Public Prosecutions". | This proposal will bring<br>the provision of the Act<br>into conformity with<br>Article 157 of the<br>Constitution.<br><br>The proposal is acceptable<br>as it aligns the Act with the<br>Constitution. |
| 20.   | Architects and<br>Quantity<br>Surveyors Act<br>(Cap 525) | 3 (3)                         | Delete the expression<br>"Attorney General" and<br>substitute therefor the<br>expression "Director of<br>Public Prosecutions". | This proposal will bring<br>the provision of the Act<br>into conformity with<br>Article 157 of the<br>Constitution.<br><br>The proposal is acceptable<br>as it aligns the Act with the<br>Constitution. |
| 21.   | Prevention of<br>Fraud<br>(Investments)<br>Act, 1977     | 27 (3)                        | Delete the expression<br>"Attorney General" and<br>substitute therefor the<br>expression "Director of<br>Public Prosecutions". | This proposal will bring<br>the provision of the Act<br>into conformity with<br>Article 157 of the<br>Constitution.<br><br>The proposal is acceptable<br>as it aligns the Act with the<br>Constitution. |



| S/NO. | LEGISLATION                            | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                 | COMMENTS/ PROPOSALS                                                                                                                                                                          |
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| 22.   | Higher Education Loans Board Act, 1995 | 24                      | Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions". | <p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p> |
| 23.   | Retirement Benefits Act, 1997          | 54 (1)                  | Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions". | <p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p> |
| 24.   | Co-operative Societies Act, 1997       | 94 (3)                  | Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions". | <p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p> |
| 25.   | Central Depositories Act, 2000         | 63                      | Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions". | <p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p>                                                                               |



| S/NO. | LEGISLATION                                   | PROVISION TO BE AMENDED                  | PROPOSED AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | COMMENTS/ PROPOSALS                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|       |                                               |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | The proposal is acceptable as it aligns the Act with the Constitution.                                                                                                                                                                                                                                                                                                                                                                                                           |
| 26.   | Copyright Act, 2001                           | 2, 30AA, 30B, 46, 46A, 46B, 46C, and 46E |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | The proposed amendments are not within the mandate of the ODPP                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 27.   | Anti-Corruption and Economic Crimes Act, 2003 | 25A (1), 37 (6), and 62 (5)              | Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".                                                                                                                                                                                                                                                                                                                                                                   | <p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution, 2010.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution, 2010.</p>                                                                                                                                                                                                                                                                         |
|       |                                               | 62                                       | <p>Delete subsection (6)</p> <p>Insert the following new subsections (6A)<br/>Notwithstanding the provisions of any other law where a state officer is under investigations for or has been charged with corruption or economic crimes, the Commission may by an <i>ex-parte</i> application in the High Court seek an order barring the officer from accessing his or her office or exercising the powers of that office including participating in decision making, voting and</p> | <p>The deletion of subsection (6) is progressive as it ensures that the law is applied equally irrespective of status and office.</p> <p>It is unconstitutional to bar a state officer from accessing his or her office or exercising the powers of that office when the matter is pending investigations, as it infringes on the right to fair hearing under Article 50 (2) of the Constitution. However, the EACC is at liberty to make an <i>ex-parte</i> application for</p> |



| S/NO. | LEGISLATION | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                                      | COMMENTS/ PROPOSALS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|       |             |                         | <p>supervising staff</p> <p>(6B) The provisions of subsection (6A) shall apply where the commission upon preliminary investigations has established grounds reasonably suspect that the public or state officers is likely to</p> <p>a) Conceal, alter, destroy or remove records, documents or other evidence</p> <p>b) intimidate, threaten or otherwise interfere with witnesses or</p> <p>c) Interfere with investigations in any other manner.</p> | <p>warrant of search of the office or investigate accounts or any other matters attendant thereto.</p> <p>The insertion of section (6A) should only apply to individuals who have been charged in a court of law. In this regard, the application to the High Court seeking to bar officer from accessing their office or exercising the powers of that officer, being criminal in nature, should be made by the Director of Public Prosecutions so as to avoid duplicity of the matter which could affect the outcome of the case, as well as to enhance efficiency.</p> <p>The provision of subsection (6B) should be amended to read that, "The provisions of subsection (6A) shall apply where the Director of Public Prosecutions has established that there is evidence of:</p> <p>a) Conceal, alter, destroy, or remove records, documents or other evidence</p> |



| S/NO. | LEGISLATION                             | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                 | COMMENTS/ PROPOSALS                                                                                                                                                                           |
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|       |                                         |                         |                                                                                                                    | <p>b) intimidate, threaten or otherwise interfere with witnesses or</p> <p>c) interfere with investigations in any other manner”</p>                                                          |
| 28.   | Sexual Offences Act, 2006               | 40                      | Delete the expression “Attorney General” and substitute therefor the expression “Director of Public Prosecutions”. | <p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>  |
| 29.   | National Museums and Heritage Act, 2006 | 57 (2)                  | Delete the expression “Attorney General” and substitute therefor the expression “Director of Public Prosecutions”. | <p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>  |
| 30.   | Labour Institutions Act, 2007           | 35 (1) (k)              | Delete the expression “Attorney General” and substitute therefor the expression “Director of Public Prosecutions”. | <p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution, 2010.</p> <p>The Cases SHALL be instituted with the consent of the Director of</p> |



| S/NO. | LEGISLATION                    | PROVISION TO BE AMENDED                                                                                                                                                                                                                                                                                                                                               | PROPOSED AMENDMENT                                                                                                 | COMMENTS/ PROPOSALS                                                                                                                                                                                                                                                                                                                                                                         |
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|       |                                |                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                    | Public Prosecutions or officers acting on delegated authority by the DPP Pursuant to Article 157 (9) of the Constitution and Section 22 of the ODPP Act, 2013.                                                                                                                                                                                                                              |
| 31.   | Accountants Act, 2008          | 43                                                                                                                                                                                                                                                                                                                                                                    | Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions". | <p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p>                                                                                                                                                                                                |
| 32.   | International Crimes Act, 2008 | 5, 19 (2) & (3), 21(1)(b), 23 (2), 24, 25 (3)(a), 26 (1) & (2), 76, 77 (2), 78, 79, 84, 85 (4), 86, 87 (1), 88, 89, 90, 91, 92, 93 (2)(b), 94, 95, 96 (1) & (2), 102 (2) & (3), 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 (1), (3), & (4), 113 (2) & (3), 114 (1) & (2), 115 (1), 116, 118 (2), 119, 120, 121 (b), 122, 124, 126, 127 (6), 129, 153 (1) & (2), | Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions". | <p>This proposal will bring these provisions of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p> <p>Further, we propose that the definition of "prosecutor" under section 2 of the Act be expanded to include the Director of Public Prosecutions under Article 157 of the Constitution.</p> |



| S/NO. | LEGISLATION                                                    | PROVISION TO BE AMENDED                          | PROPOSED AMENDMENT                                                                                                 | COMMENTS/ PROPOSALS                                                                                                                                                                          |
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|       |                                                                | 154, 155, 156, 157, 158, 159, 160, 168, and 171. |                                                                                                                    |                                                                                                                                                                                              |
| 33.   | Biosafety Act, 2009                                            | 53                                               | Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions". | <p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p> |
| 34.   | Merchant Shipping Act, 2009                                    | 16                                               | Delete                                                                                                             |                                                                                                                                                                                              |
| 35.   | The Vetting of Judges and Magistrates Act 2011 (No. 2 of 2010) | 18 (1)                                           | Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions". | <p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p> |
| 36.   | Prevention of Organised Crimes Act, 2010                       | 14                                               | Delete the expression "five hundred thousand" and substitute thereof the words "ten million shillings".            | <p>This increases the fine amount substantially.</p> <p>This is a good proposal as it enhances the discretion of the magistrate where the situation demands a stiffer penalty and guides</p> |



| S/NO. | LEGISLATION                              | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                                      | COMMENTS/ PROPOSALS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|       |                                          |                         |                                                                                                                                         | in terms of severity of the offences under the sections of the Act.                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|       |                                          | 14 (3)                  | Delete the expression "thirty days" and substitute thereof the words "ninety days".                                                     | Not provided in the Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|       |                                          | 17 (9)                  | Delete paragraph (b) and substitute therefor the following new paragraph -<br><br>(b) Inspector General of the National Police Service. | This section regularizes the provisions of the Act with the National Police Services Act.<br><br>However, it is noted that it still makes reference to the "Attorney General" instead of "Director of Public Prosecutions" as an authorized officer.<br><br>The section relates to seizure and detention of organized criminal group cash which relates to a matter dealt with by the Director of Public Prosecutions, and would be retained in the Prosecutors Fund under section 40 or 45 of the ODPP Act |
| 37.   | Counter-Trafficking in Persons Act, 2010 | 19 (2) (e)              | Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".                      | This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.                                                                                                                                                                                                                                                                                                                                                                                                     |



| S/NO. | LEGISLATION                                               | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                                                                                                                                                  | COMMENTS/ PROPOSALS                                                                                                                                               |
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|       |                                                           |                         |                                                                                                                                                                                                                                                     | The proposal is acceptable as it aligns the Act with the Constitution.                                                                                            |
| 38.   | Judicial Service Commission Act, 2011                     | 38                      | <p>Insert the following new subsection immediately after subsection (1) -</p> <p>(1A) The commission shall submit the annual report to the President and the National Assembly within six months after the end of the year to which it relates.</p> | <p>The proposal seeks to have the JSC annual report presented within 6 months of the end of the year to which it relates.</p> <p>The proposal is acceptable.</p>  |
| 39.   | Independent Electoral and Boundaries Commission Act, 2011 | 24 (1)                  | Delete the word "three" and substitute therefore the word "six".                                                                                                                                                                                    | <p>The proposal seeks to have the IEBC annual report presented within 6 months of the end of the year to which it relates.</p> <p>The proposal is acceptable.</p> |
| 40.   | Salaries and Remuneration Commission Act, 2011            | 24                      | <p>Insert the following new subsection immediately after subsection (1) -</p> <p>(1A) The Commission shall submit the annual report in subsection (1) to the President and the National Assembly within six months after the end</p>                | <p>The proposal seeks to have the SRC annual report presented within 6 months of the end of the year to which it relates.</p> <p>The proposal is acceptable.</p>  |



| S/NO. | LEGISLATION                                         | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                                                                                                                                                                    | COMMENTS/ PROPOSALS                                                                                                                                                |
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|       |                                                     |                         | of the year to which it relates.                                                                                                                                                                                                                                      |                                                                                                                                                                    |
| 41.   | Kenya National Commission on Human Rights Act, 2011 | 53                      | <p>Insert the following new subsection immediately after subsection (1) -</p> <p>(1A) The Commission shall submit the annual report in subsection (1) to the President and the National Assembly within six months after the end of the year to which it relates.</p> | <p>The proposal seeks to have the KNCHR annual report presented within 6 months of the end of the year to which it relates.</p> <p>The proposal is acceptable.</p> |
| 42.   | National Gender and Equality Commission Act, 2011   | 53                      | <p>Insert the following new subsection immediately after subsection (1) -</p> <p>(1A) The Commission shall submit the annual report in subsection (1) to the President and the National Assembly within six months after the end of the year to which it relates.</p> | <p>The proposal seeks to have the NGEC annual report presented within 6 months of the end of the year to which it relates.</p> <p>The proposal is acceptable.</p>  |
| 43.   | Commission on Revenue Allocation Act, 2011          | 23                      | <p>Renumber the existing provision as subsection (1).</p> <p>Insert the following new subsection immediately after subsection (1) -</p>                                                                                                                               | <p>The proposal seeks to have the CRA annual report presented within 6 months of the end of the year to which it relates.</p> <p>The proposal is acceptable.</p>   |



| S/NO. | LEGISLATION                                     | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                                                                               | COMMENTS/ PROPOSALS                                                                                                                                                                          |
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|       |                                                 |                         | (1A) The Commission shall submit the annual report in subsection (1) to the President and the National Assembly within six months after the end of the year to which it relates. |                                                                                                                                                                                              |
| 44.   | Ethics and Anti-Corruption Commission Act, 2011 | 27 (2)                  | Delete the word "three" and substitute therefore the word "six".                                                                                                                 | <p>The proposal seeks to expand the time allotted to the EACC for the presentation of its annual report from three (3) to six (6) months.</p> <p>The proposal is acceptable.</p>             |
| 45.   | Tourism Act, 2011                               | 116                     | Delete the expression "Attorney General" and substitute therefor the expression "Director of Public Prosecutions".                                                               | <p>This proposal will bring the provision of the Act into conformity with Article 157 of the Constitution.</p> <p>The proposal is acceptable as it aligns the Act with the Constitution.</p> |
| 46.   | National Police Service Commission Act, 2011    | 26 (2)                  | Delete the word "three" and substitute therefor the word "six".                                                                                                                  | The proposal seeks to expand the time allotted to the NPS Commission for the presentation of its annual report from three (3) to six (6) months.                                             |



| S/NO. | LEGISLATION                        | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                                     | COMMENTS/ PROPOSALS                                                                                                                                              |
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|       |                                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                        | The proposal is acceptable.                                                                                                                                      |
| 47.   | National Land Commission Act, 2012 | 33                      | <p>Insert the following new subsection immediately after subsection (1) -</p> <p>(1A) The Commission shall submit the annual report in subsection (1) to the President and the National Assembly within six months after the end of the year to which it relates.</p>                                                                                                                                                                                  | <p>The proposal seeks to have the NLC annual report presented within 6 months of the end of the year to which it relates.</p> <p>The proposal is acceptable.</p> |
| 48.   | Leadership and Integrity Act, 2012 | 12A                     | <p>Renumber the provision as subsection (1) and insert the words "or public office" after the words "state office".</p> <p>Insert the following new subsections -</p> <p>(2) Where a public entity is recruiting staff, it shall, within seven days after shortlisting of candidates for any position for which appointment is considered, submit the list of all shortlisted candidates to the Commission for integrity suitability verification.</p> | The proposal is not acceptable as this may impede the independence of the Offices.                                                                               |



| S/NO. | LEGISLATION | PROVISION<br>TO BE<br>AMENDED | PROPOSED<br>AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | COMMENTS/<br>PROPOSALS                                                                        |
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|       |             |                               | <p>(3) The Commission shall upon receipt of the list of shortlisted candidates verify the information regarding them and make recommendations to the public entity on the integrity suitability of the shortlisted persons.</p> <p>(4) In making recommendations under subsection (3), the Commission may consider any other information with respect to the integrity suitability of the applicant.</p> <p>(5) The recruiting entity shall take into account the recommendations on the integrity suitability of the candidates in making appointment decisions.</p> |                                                                                               |
|       |             | 19 (6)                        | Delete the words "fail to submit annual statements of account" and substitute therefor the words "fails to submit statements of account annually as required under section 19 (3)".                                                                                                                                                                                                                                                                                                                                                                                   | This proposal makes grammatical corrections and is acceptable.                                |
|       |             | 40                            | Renumber the provision as subsection (1) and insert the following new subsection -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | This proposal seeks to empower the High Court to invalidate a state officer's appointment for |



| S/NO. | LEGISLATION                                       | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                                                                                                                                                             | COMMENTS/ PROPOSALS                                                                                                                                                               |
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|       |                                                   |                         | (2) The High Court may upon application by any person, declare the assumption of office by a state officer to be invalid for want of executing a commitment to the specific leadership and integrity code.                                                     | failure to execute a commitment to a specific leadership code.<br><br>This proposal is unclear as it fails to specify which codes are to be executed by the said state officials. |
| 49.   | Teachers Service Commission Act, 2012             | 41                      | Insert the following new subsection immediately after subsection (1) -<br><br>(1A) The Commission shall submit the annual report in subsection (2) to the President and the National Assembly within six months after the end of the year to which it relates. | The proposal seeks to have the TSC annual report presented within 6 months of the end of the year to which it relates.<br><br>The proposal is acceptable.                         |
| 50.   | National Transport and Safety Authority Act, 2012 | 16                      | Delete the word "three" and substitute therefor the word "five".                                                                                                                                                                                               | It seeks to expand the period for the appointment of Director General for a renewable period of 5 years rather than the current 3 years.                                          |
| 51.   | Kenya Law Reform Commission Act, 2015             | N/A                     | N/A                                                                                                                                                                                                                                                            | N/A                                                                                                                                                                               |
| 52.   | Scrap Metal Act,                                  | 2                       | Insert the following new definitions in proper                                                                                                                                                                                                                 | The proposal in the Bill seeks to provide accurate                                                                                                                                |



| S/NO. | LEGISLATION | PROVISION<br>TO BE<br>AMENDED | PROPOSED<br>AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | COMMENTS/<br>PROPOSALS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|       | 2015        |                               | <p>alphabetical sequence -</p> <p>“Authority” means the Kenya Revenue Authority established under section 3 of the Kenya Revenue Authority Act;</p> <p>“critical national infrastructure” means physical and virtual assets or facilities, whether owned by private or public entities which are essential to the provision of vital services to the public for their social and economic wellbeing, and which if destroyed, degraded or rendered unavailable, would impact on the social or economic wellbeing of the nation or affect government’s ability to undertake national defence and security;</p> <p>“electrical rewinder” means a person who deals in the repair or rewinding of electric motors;</p> <p>“smelter” means an installation or factory for smelting metal from its ore or means a person engaged in the business</p> | <p>definitions of various terms to protect critical infrastructure.</p> <p>It is however noteworthy that although the Memorandum of Objects and reasons indicates that the Bill seeks to provide for a special license for dealing in copper, aluminium and their alloys, this proposal is not included in the text of the Bill.</p> <p>The Memorandum also indicates that the Bill intends to restrict the disposal of critical infrastructure to the Numerical Machining Complex and the Kenya Shipyard Limited. Further, that the Bill had proposed regulation of imports and exports.</p> <p>These proposals are not included in the text of the Bill.</p> |



| S/NO. | LEGISLATION                    | PROVISION TO BE AMENDED                     | PROPOSED AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                              | COMMENTS/ PROPOSALS                                                 |
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|       |                                |                                             | <p>of smelting;</p> <p>“steel fabricators” means an installation of factory for the production of metal structures using a range of processes such as cutting, bending or assembling, which generates scrap metal in their processes.</p>                                                                                                                                                                       |                                                                     |
| 53.   | Excise Duty Act, 2015          | Paragraph 1 of Part I of the First Schedule | <p>Delete -</p> <p>(a) the expression “3905.91.00 Emulsion VAM” and substitute therefor the expression “3905.91.00 Imported copolymers”;</p> <p>(b) the expression “3905.19.00 Homopolymers” and substitute therefor the expression “3905.19.00 Imported polymers”; and</p> <p>(c) the expression “3906.90.00 Emulsion B.A.M” and substitute therefor te expression “3906.90.00 Imported acrylic polymers”.</p> |                                                                     |
| 54.   | Controller of Budget Act, 2016 | 19                                          | Insert the following new subsection immediately                                                                                                                                                                                                                                                                                                                                                                 | The proposal seeks to have the Controller of Budget’s annual report |



| S/NO. | LEGISLATION     | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                                                                                                             | COMMENTS/ PROPOSALS                                                                                                                                                 |
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|       |                 |                         | after subsection (2) -<br><br>(2A) The Commission shall submit the annual report in subsection (2) to the President and the National Assembly within six months after the end of the year to which it relates. | presented within 6 months of the end of the year to which it relates.<br><br>The proposal is acceptable.                                                            |
| 55.   | Water Act, 2016 | 14 (1) (f)              | Insert the following new paragraph immediately after paragraph (e) -<br><br>(ea) the Attorney-General or his representative.                                                                                   | The proposal seeks to include the Attorney General as a member of the Water Resources Management Board.<br><br>The proposal is acceptable.                          |
|       |                 | 17 (1)                  | Insert the words "and in accordance with the guidelines made by the Salaries and Remuneration Commission" immediately after the word "appointment".                                                            | The proposal seeks to bring the section on appointment of the Chief Executive Officer into the ambit of the SRC recommendations.<br><br>The proposal is acceptable. |
|       |                 | 31 (1)                  | Delete and substitute therefor the following subsection -<br><br>(1) The powers and functions of the Water                                                                                                     | The proposal seeks to allow the representatives to sit in the board in place of the designated office holder.                                                       |



| S/NO. | LEGISLATION | PROVISION<br>TO BE<br>AMENDED | PROPOSED<br>AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                            | COMMENTS/<br>PROPOSALS |
|-------|-------------|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
|       |             |                               | Cabinet Secretary<br>from counties<br>within the basin<br>area.                                                                                                                                                                                                                                                                                                                                                                                  |                        |
|       |             | 66                            | <p>Insert the following new subsection immediately after subsection (2) -</p> <p>(3) The Cabinet Secretary shall, on the recommendation of the respective Board of Water Development Agency appoint a Chief Executive Officer of the respective water works agency on such terms and conditions as may be specified in the instrument of appointment and in accordance with the guidelines made by the Salaries and Remuneration Commission.</p> |                        |
|       |             | 71 (1)                        | <p>Delete and substitute the following new subsection -</p> <p>(1) The powers and functions of the Regulatory Board shall be excercised and performed under the direction of the Regulatory Board, hich shall consist of -</p>                                                                                                                                                                                                                   |                        |



| S/NO. | LEGISLATION | PROVISION<br>TO BE<br>AMENDED | PROPOSED<br>AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                            | COMMENTS/<br>PROPOSALS |
|-------|-------------|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
|       |             |                               | <p>(a) a chairperson, who shall be appointed by the President;</p> <p>(b) the Principal Secretary responsible for matters relating to finance or his representative;</p> <p>(c) the Principal Secretary responsible for matters relating to water or his representative;</p> <p>(d) the Attorney-General or his representative;</p> <p>(e) the Chief Executive Officer; and</p> <p>(f) six other members appointed by the Cabinet Secretary.</p> |                        |
|       |             | 73                            | Delete the words "the Cabinet Secretary for Public Service may determine on the advice of the Salaries and Remuneration Commission" and substitute therefor the words "may be specified in the instrument of appointment and in accordance with the guidelines made by the Salaries and Remuneration                                                                                                                                             |                        |



| S/NO. | LEGISLATION | PROVISION<br>TO BE<br>AMENDED | PROPOSED<br>AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | COMMENTS/<br>PROPOSALS |
|-------|-------------|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
|       |             |                               | Commission.”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                        |
|       |             | 115 (2)                       | <p>Delete and substitute therefor the following new subsection -</p> <p>(2) The Board of Trustees shall consist of -</p> <ul style="list-style-type: none"> <li>(a) a chairperson, who shall be appointed by the President;</li> <li>(b) the Principal Secretary responsible for matters relating to finance or his representative;</li> <li>(c) the Principal Secretary responsible for matters relating to water or his representative;</li> <li>(d) the Attorney-General or his representative;</li> <li>(e) the Chief Executive Officer; and</li> <li>(f) six other members recruited in accordance with the First Schedule and appointed by the Cabinet Secretary.</li> </ul> |                        |
|       |             | 118 (1)                       | Delete and substitute therefor the following new subsection -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                        |



| S/NO. | LEGISLATION       | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                                                                                                                                                                                                                                    | COMMENTS/ PROPOSALS                                                                                                                                              |
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|       |                   |                         | (1) The fund shall have a Chief Executive Officer who shall be appointed by the Cabinet Secretary on the recommendation of the Board of Trustees on such terms and conditions of service as may be specified in the instrument of appointment and in accordance with the guidelines made by the Salaries and Remuneration Commission. |                                                                                                                                                                  |
| 56.   | Bribery Act, 2016 | 1                       | Delete the expression "Bribery Act" and substitute therefor the expression "Anti-Bribery Act".                                                                                                                                                                                                                                        | The proposal seeks to amend the title of the bill from the Bribery Act to Anti-Bribery Act.<br><br>This proposal is acceptable to reflect the intent of the Act. |
|       |                   | 4                       | Insert the words "public entity" immediately after the words "public officers".                                                                                                                                                                                                                                                       | Seeks to include public entities as those to whom the Act applies.<br><br>The proposal is acceptable.                                                            |
|       |                   | 5                       | Delete the word "who" and substitute therefor the words "if the person offering, promising or                                                                                                                                                                                                                                         | Indicates clarity in the description of the offender.                                                                                                            |



| S/NO. | LEGISLATION | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                        | COMMENTS/ PROPOSALS                                                                                        |
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|       |             |                         | giving knows"                                                                             | The proposal is acceptable.                                                                                |
|       |             | 7 (1)(a)(v)             | Delete the word "and" and substitute therefor the word "or"                               | Provides clarity in the function or activity to which the offence relates.<br><br>The proposal acceptable. |
|       |             | 7 (1)(b)(i)             | Delete the word "and" and substitute therefor the word "or"                               | The proposal refers to s.7(1)(b)(i) rather than s.7(1)(b)(ii).<br><br>This should be corrected.            |
|       |             | 10                      | Delete the marginal note and substitute therefor the words "bribery by a private entity". | Seeks to provide better clarity on the offence.<br><br>The proposal acceptable.                            |
|       |             | 14 (1)                  | Delete the words "holding a position of authority".                                       | Allows every individual whether public or private to report instances of bribery.                          |
|       |             | 15 (1)                  | Delete the words "within the meaning of sections 11 and 12"                               | Expands the criminality of offences under the Act, to apply to both public and                             |



| S/NO. | LEGISLATION                         | PROVISION<br>TO BE<br>AMENDED | PROPOSED<br>AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                     | COMMENTS/<br>PROPOSALS                                                                                                                                                          |
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|       |                                     |                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | private individuals. The proposal is acceptable.                                                                                                                                |
| 57.   | Public Service Commission Act, 2017 | 90 (1)                        | Delete the word "three" and substitute therefor the word "six".                                                                                                                                                                                                                                                                                                                                                                                                           | <p>The proposal seeks to expand the time allotted to the PSC for the presentation of its annual report from three (3) to six (6) months.</p> <p>The proposal is acceptable.</p> |
| 58.   | Energy Act, 2019                    | 2                             | <p>Delete the definition of the term "distribution licence".</p> <p>Insert the following new definition in proper alphabetical sequence -</p> <p>"distribution licence" means a document or instrument authorising a person to distribute energy in the manner described in the document or instrument, in that person's authorised area of supply for the purpose of enabling supply to premises in that area and to also receive bulk supply from another licensee;</p> | The proposal expands the definition of the licence to an acceptable scope.                                                                                                      |

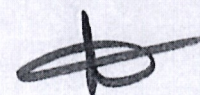




| S/NO. | LEGISLATION | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                                                                                                                                                                                      | COMMENTS/ PROPOSALS                                                                         |
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|       |             | 4 (1)                   | Insert the following new paragraph immediately after paragraph (e) -<br><br>(ea) the Principal Secretary of the Ministry for the time being responsible for matters relating to finance or his or her representative.                                                                   | The proposal does not fit the section it intends to amend.<br><br>This should be corrected. |
|       |             | 4 (1)(f)(i)             | Delete the word "the" and substitute therefor the word "a".                                                                                                                                                                                                                             | The proposal does not fit the section it intends to amend.<br><br>This should be corrected. |
|       |             | 4 (1)(f)(v)             | Delete                                                                                                                                                                                                                                                                                  | There is no such section in the Act.<br><br>This should be corrected.                       |
|       |             | 6 (1)(a)(ii)            | Delete the word "utility" and substitute therefor the words "critical national".<br><br>Insert the following new section immediately after section 6 -<br><br>6A. The Cabinet Secretary, in consultation with the relevant statutory authorities and stakeholders, shall coordinate the | No such section exists in the Act.<br><br>This should be corrected.                         |



| S/NO. | LEGISLATION | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                                                                                                                                                                                                         | COMMENTS/ PROPOSALS                                                                                                          |
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|       |             |                         | development and implementation of a national energy efficiency and conservation action plan.                                                                                                                                                                                                               |                                                                                                                              |
|       |             | 9 (1)                   | Insert the word "a" immediately after the word "of".                                                                                                                                                                                                                                                       | The proposal does not fit into the section it seeks to amend and the same is rejected.                                       |
|       |             | 10                      | <p>Delete the word "with the exception of crude oil" appearing in paragraph (a) (ii);</p> <p>Delete paragraph (ii) and substitute therefor the following new paragraph -</p> <p>(ii) make proposals to the Cabinet Secretary for purposes of making regulations on energy efficiency and conservation.</p> | <p>The proposal aims to expand the mandate of the Authority.</p> <p>The proposal is acceptable.</p>                          |
|       |             | 11                      | <p>Re-number the provision as subsection (1) and add the following subsections -</p> <p>(2) Notwithstanding subsection (1), the Cabinet Secretary shall issue a special licence for dealing in copper,</p>                                                                                                 | <p>The amendment seeks to regulate the dealing of copper, aluminium and their alloys.</p> <p>The proposal is acceptable.</p> |





| S/NO. | LEGISLATION | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                       | COMMENTS/ PROPOSALS                                                                                                                                  |
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|       |             |                         | aluminium and their alloys.<br><br>(3) An application for a special licence shall be made in accordance with section 10. | However, there is a need for clarity on the specific paragraph in section 10 for the application of a special licence.                               |
|       |             | 12 (1)(e)               | Delete                                                                                                                   | The proposal aims to remove the position of CEC member for the Board of the Energy and Petroleum Regulatory Authority.<br><br>There is no objection. |
|       |             | 18 (3)(a)               | Delete the words "one million" and substitute therefor the words "five million".                                         | The proposal does not fit into the section it seeks to amend and the same is rejected.                                                               |
|       |             | 18 (3)(b)               | Delete the word "five" and substitute therefor the word "ten".                                                           | The proposal does not fit into the section it seeks to amend and the same is rejected.                                                               |
|       |             | 20 (1)                  | Delete the phrase "half of a" appearing in paragraph (a).                                                                | The proposal seeks to increase the funds of the EPRA from the levies received from the the sale of electricity and petroleum products.               |
|       |             | 20                      | Delete the word "levies" appearing in the provisio.                                                                      | The proposal will cause the section incomprehensible.                                                                                                |



| S/NO. | LEGISLATION | PROVISION<br>TO BE<br>AMENDED | PROPOSED<br>AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | COMMENTS/<br>PROPOSALS                                                                                |
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|       |             |                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | This should be corrected.                                                                             |
|       |             | 20 (4)                        | Delete the word "one" and substitute therefor the word "five".                                                                                                                                                                                                                                                                                                                                                                                                                                  | The proposal does not fit into the section it seeks to amend and the same is rejected.                |
|       |             | 22 (2)                        | Delete the words "one million" and substitute therefor the words "five million".                                                                                                                                                                                                                                                                                                                                                                                                                | The proposal does not fit into the section it seeks to amend and the same is rejected.                |
|       |             | 24                            | <p>(1) Insert the words "critical national" immediately after the word "the".</p> <p>Insert the following new sections immediately after section (1) -</p> <p>(1A) A state entity responsible for critical national infrastructure shall dispose scrap metal from critical national infrastructure to the Numerical Machining complex and the Kenya Shipyard Limited for smelting into billets.</p> <p>(1B) Where there is inadequate capacity at the Numerical Machining complex and Kenya</p> | <p>The proposal does not fit into the section it seeks to amend.</p> <p>This should be corrected.</p> |



| S/NO. | LEGISLATION | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                                                                                                                                                     | COMMENTS/ PROPOSALS                                                                                                     |
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|       |             |                         | Shipyard Limited, the respective state entity through a written consent from the Numerical Machining Complex and the Kenya Shipyard Limited, shall seek approval from the Council to partner with a local smelter directly without involving a broker. |                                                                                                                         |
|       |             | 24 (2)                  | Delete the word "ten" and substitute therefor the word "twenty".<br><br>Delete the word "three" and substitute therefor the word "seven".                                                                                                              | The proposal does not fit into the section it seeks to amend and the same is rejected.<br><br>This should be corrected. |
|       |             | 26 (1)                  | Insert the words "or import" immediately after the word "export".                                                                                                                                                                                      | The proposal does not fit into the section it seeks to amend and the same is rejected.<br><br>This should be corrected. |
|       |             | 26 (2)                  | Insert the words "or import" immediately after the word "export".                                                                                                                                                                                      | The proposal does not fit into the section it seeks to amend and the same is rejected.<br><br>This should be corrected. |
|       |             | 26 (3)                  | Insert the words "in consultation with the Authority." immediately                                                                                                                                                                                     | The proposal does not fit into the section it seeks to amend and the same is                                            |



| S/NO. | LEGISLATION | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                                                                                                                                                   | COMMENTS/ PROPOSALS                                                                                                     |
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|       |             |                         | after the word "Secretary"                                                                                                                                                                                                                           | rejected.<br><br>This should be corrected.                                                                              |
|       |             | 26                      | Insert the following new subsection immediately after subsection (3) -<br><br>(3A) The certificate issued under subsection (3) shall indicate the nature, quantity and consideration from scrap metal to ensure compliance with the approved limits. | The proposal does not fit into the section it seeks to amend and the same is rejected.<br><br>This should be corrected. |
|       |             | 26 (4)                  | Insert the word "of" immediately after the word "terms".                                                                                                                                                                                             | The proposal seeks to correct a grammatical error.<br><br>This amendment is acceptable.                                 |
|       |             | 30 (1)(a)               | Insert the words "critical national" immediately after the word "vandalized".                                                                                                                                                                        | The proposal does not fit into the section it seeks to amend and the same is rejected.<br><br>This should be corrected. |
|       |             | 30 (1)(e)(ii)           | Insert the words "smelter, electrical rewinder, steel fabricator" immediately after the word "miller".                                                                                                                                               | The proposal does not fit into the section it seeks to amend and the same is rejected.                                  |



| S/NO. | LEGISLATION | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                                                          | COMMENTS/ PROPOSALS                                                                                                                                                                                                      |
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|       |             |                         |                                                                                                                                                             | This should be corrected.                                                                                                                                                                                                |
|       |             | 45 (1)                  | Delete the words “who shall be the Secretary to the Board” appearing in paragraph (d).                                                                      | The amendment is acceptable.                                                                                                                                                                                             |
|       |             | 45 (1)(e)               | Delete the word “three” and substitute therefor the word “seven”.                                                                                           | The proposal increases the number of members to be appointed by the Cabinet Secretary to the Board of the Rural Electrification and Renewable Energy Corporation.<br><br>The amendment is acceptable.                    |
|       |             | 45                      | Delete paragraph (f).                                                                                                                                       | The proposal aims to remove the position of members appointed by the Council of Governors to the Board of the for the Board of the Rural Electrification and Renewable Energy Corporation.<br><br>There is no objection. |
|       |             | 76 (2)                  | Insert the following new paragraph immediately after paragraph (g) -<br><br>(h) the Managing Director of Kenya Power and Lighting Company PLC or his or her | The proposal seeks to add the MD of KPLC to the Renewable Energy Resource Advisory Committee.                                                                                                                            |



| S/NO. | LEGISLATION | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                 | COMMENTS/ PROPOSALS                                                                                                                            |
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|       |             |                         | representative.                                                                                                    | The amendment is acceptable.                                                                                                                   |
|       |             | 82                      | Delete the word "Authority" and substitute therefor the expression "Renewable Energy Resource Advisory Committee". | The amendment aims to correct an error on the mandate of the Renewable Energy Resource Advisory Committee.<br><br>The amendment is acceptable. |
|       |             | 98 (1)(d)               | Insert the word "with" immediately after the word "compliance".                                                    | The proposal seeks to correct a grammatical error.<br><br>This amendment is acceptable.                                                        |
|       |             | 100 (1)(b)              | Insert the word "of" immediately after the word "type".                                                            | The proposal seeks to correct a grammatical error.<br><br>This amendment is acceptable.                                                        |
|       |             | 117                     | Delete the word "one" and substitute therefor the words "one half of a".                                           | The proposal seeks to reduce the capacity of electrical energy that does not require a licence.<br><br>There is no objection to the amendment. |
|       |             | 129 (2)                 | Delete the word "three" and substitute therefor                                                                    | The proposal increases the period for one to                                                                                                   |



| S/NO. | LEGISLATION | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                                                                                                                                                                                                                                                                                                                                                            | COMMENTS/ PROPOSALS                                                                                         |
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|       |             |                         | the word "four".                                                                                                                                                                                                                                                                                                                                                                                                                                              | submit audited accounts after the end of each financial year.<br><br>The amendment is acceptable.           |
|       |             | 149 (3)                 | Delete the word "licence" and substitute therefor the word "certificate".                                                                                                                                                                                                                                                                                                                                                                                     | The amendment is acceptable to ensure better comprehension of the section.                                  |
|       |             | 154 (2)                 | Delete the word "meters" and substitute therefor the word "metres".                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                             |
|       |             | 166 (3)                 | Delete and substitute therefor the following new subsection -<br><br>(3) For the avoidance of doubt, the licensee shall not be liable to any penalty under subsection (1) or to pay compensation under subsection (2) if the failure, poor quality or irregularity of electricity supply was caused by third party interference to the licensee's accident or force majeure, or was so slight as not to materially affect the quality or value of the supply. | The amendment aims to expound on the penalties a licensee is liable to.<br><br>The amendment is acceptable. |
|       |             | 166 (4)                 | Delete and substitute                                                                                                                                                                                                                                                                                                                                                                                                                                         | The amendment aims to                                                                                       |



| S/NO. | LEGISLATION | PROVISION TO BE AMENDED | PROPOSED AMENDMENT                                                                                                                                                                                                                       | COMMENTS/ PROPOSALS                                                                                                        |
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|       |             |                         | with the following new subsection -<br><br>(4) The Cabinet Secretary may make regulations to give effect to this section subject to the grid attaining the quality and reliability of supply and service as prescribed by the Authority. | give the Cabinet Secretary the mandate to enforce the section within given parameters.<br><br>The amendment is acceptable. |
|       |             | 167 (1)                 | Delete the expression "(1)".<br><br>Delete the word "electrician" appearing in paragraph (o) and substitute therefor the words "electrical worker".                                                                                      | The proposal seeks to correct a numerical and grammatical error.<br><br>This amendment is acceptable.                      |
|       |             | 169 (2)                 | Delete and substitute therefor the following new subsection -<br><br>(2) Any vessel that is used to convey the vandalised or stolen equipment or appliances referred to in subsection (1) shall be forfeited to the State.               | The amendment aims to provide clarity to the section.<br><br>The amendment is acceptable.                                  |
|       |             | 187                     | Delete the words "coordinate the development and implementation of a" and substitute therefor the words "develop and                                                                                                                     | The proposal seeks to make the section precise.<br><br>This amendment is                                                   |



| S/NO. | LEGISLATION | PROVISION<br>TO BE<br>AMENDED | PROPOSED<br>AMENDMENT                                                                                | COMMENTS/<br>PROPOSALS                                                                                 |
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|       |             |                               | implement".                                                                                          | acceptable.                                                                                            |
|       |             | 199 (1)                       | Insert the word "Gazette" immediately after the words "by notification in the".                      | The proposal seeks to provide clarity on the way of notification.<br><br>This amendment is acceptable. |
|       |             | 208                           | Delete the words "on the recommendation of" and substitute therefo the words "in consultation with". | The proposal seeks to provide clarity on the r of the Authority.<br><br>This amendment is acceptable.  |
|       |             | 216 (1)                       | Delete the word "Consolidated".                                                                      |                                                                                                        |